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November 9, 2011

Ms. Cynthia T. Brown  
Chief of the Section of Administration, Office of Proceedings  
Surface Transportation Board  
395 E Street, S.W.  
Washington, D. C. 20423

RECEIVED  
NOV 9 2011  
MANAGEMENT  
STB

RE: Docket No. AB-1077X, *Wiregrass Central Railway, LLC—Abandonment  
Exemption—in Coffee County, AL.*

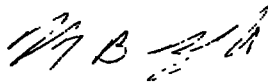
Dear Ms. Brown:

Enclosed for filing are the original and 10 copies of a Petition for Exemption to exempt, under 49 U.S.C. 10502, Wiregrass Central Railway, LLC's abandonment of its 1.2-mile rail line between milepost 820.0 and milepost 821.2 in Enterprise, AL, from the prior approval requirements of 49 U.S.C. 10903, a check for the filing fee of \$6,300, and a disc containing a WORD version of the Petition and a pdf.

Please time and date stamp the extra copy of this letter and the Petition for Exemption and return it in the enclosed prepaid envelope. Thank you for your assistance.

If you have any questions, please call or email me.

Sincerely yours



Melanie B. Yasbin  
Attorney for: Wiregrass Central Railway, LLC

**FILED**

NOV 9 - 2011

**SURFACE  
TRANSPORTATION BOARD**

Enclosure

**FEE RECEIVED**

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**SURFACE  
TRANSPORTATION BOARD**

**ENTERED  
Office of Proceedings**

NOV 9 2011

Per  
Public Service

BEFORE THE  
SURFACE TRANSPORTATION BOARD

Docket No. AB-1077X

WIREGRASS CENTRAL RAILWAY, LLC  
-ABANDONMENT EXEMPTION-  
IN COFFEE COUNTY, AL

PETITION FOR EXEMPTION

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SURFACE  
TRANSPORTATION BOARD

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Attorneys for: Wiregrass Central  
Railway, LLC

Dated: November 9, 2011

BEFORE THE  
SURFACE TRANSPORTATION BOARD

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Docket No. AB-1077X

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WIREGRASS CENTRAL RAILWAY, LLC  
—ABANDONMENT EXEMPTION—  
IN COFFEE COUNTY, AL

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PETITION FOR EXEMPTION

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Wiregrass Central Railway, LLC (“WCR”) petitions the Surface Transportation Board (“Board”) to exempt, under 49 U.S.C. § 10502, WCR’s abandonment of a 1.2-mile rail line between milepost 820.0 and milepost 821.2 in Enterprise, AL (the “Line”) from the prior approval requirements of 49 U.S.C. § 10903.

Abandonment will allow WCR to avoid costs incurred by continued ownership of the Line. At the time WCR acquired the Line from the Wiregrass Central Railroad Co., Inc. (“WCRR”) all of the track and material had been removed from the Line. No traffic has moved over the line since 1987. Upon receipt of abandonment authority, WCR proposes to convert the Line to interim trail use/rail banking under 16 U.S.C. §1247(d) through the sale of the Line to a trails group.

**PROPOSED TRANSACTION**

WCR proposes to abandon a 1.2-mile railroad line between milepost 820.0 and milepost 821.2 near Enterprise, in Coffee County, Alabama. The Line traverses Zip Code 36330. A colored map of the Line is attached as Exhibit A (and at the end of this pleading). Exhibit B consists of the Combined Environmental and Historic Report. The draft Federal Register Notice

is in Exhibit C, and copies of the newspaper publication and the required certification are in Exhibit D. The certificate of service is in Exhibit E. Color exhibits are in Exhibit F.

Based on information in WCR's possession, the Line does not contain federally granted right-of-way. Any documentation in WCR's possession concerning title will be made available to those requesting it.

## **BACKGROUND**

WCR received authority from the Surface Transportation Board (the "Board") to acquire the 21.2 miles of rail line, including the Line, from WCRR in a decision served on April 22, 2011.<sup>1</sup> At the time WCR acquired the Line from the WCRR all of the track and material had been removed from the Line. No traffic has moved over the Line since 1987.

There has been no demand for service over the Line since WCR acquired it. The track and materials were removed prior to WCR's purchase of the Line. To restore the Line to Federal Railroad Administration ("FRA") Class I track standards, WCR would need to invest significant funds. Once the Line is restored to FRA Class I track standards, WCR would incur maintenance costs associated with the Line. As described below, abandoning the Line will permit WCR to save (1) the annual maintenance costs of the Line of about \$6,000 and (2) opportunity costs of \$28,378.00. The value of the real estate is about \$181,900.00.

Upon receipt of abandonment authority, WCR plans to leave the bridges and culverts necessary for interim trail use/rail banking in place. WCR will sell the real estate to convert the active rail line to interim trail use/rail banking.

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<sup>1</sup> *Wiregrass Central Railway, LLC—Acquisition and Operation Exemption—Wiregrass Central Railroad Company, Inc.*, STB Finance Docket No. 35489 (STB served April 22, 2011).

**A. WCR will incur costs to maintain the Line.**

WCR has kept maintenance costs to a minimum since its purchase of the Line. WCR adopts the Board's average maintain cost of \$6,000 per mile. *See, e.g. Delta Southern Railroad Inc. –Abandonment Exemption– in Desha and Chicot Counties, AR*, STB Docket No. AB-384 (Sub-No. 3X), (STB served March 25, 2011) and *Conrail—Aband.—between Warsaw and Valp Counties, IN*, 9 I.C.C.2d 1299, 1304 (1993). In addition, as part of its capital expenditures, WCR would need to replace the tracks and materials on the Line.

**B. Calculation of opportunity costs.**

Opportunity costs (or total return on value of road property) reflect the economic loss experienced by a carrier from forgoing a more profitable alternative use of its assets. Under *Abandonment Regulations—Costing*, 3 I.C.C.2d 340 (1987), the opportunity cost of road property is computed on an investment base equal to the sum of: (1) allowable working capital; (2) the net liquidation value (NLV) of the line; and (3) current income tax benefits (if any) resulting from abandonment. The investment base (or valuation of the road properties) is multiplied by the current nominal rate of return, to yield the nominal return on value. The nominal return is then adjusted by applying a holding gain (or loss) to reflect the increase (or decrease) in value a carrier will expect to realize by holding assets for 1 additional year.<sup>2</sup>

**1. Calculation of net salvage value (“NSV”).**

There are no tracks or materials on the Line. Therefore, WCR has not included an NSV in its calculation of opportunity costs.

**2. Calculation of the value of real estate (“VRE”).**

The VRE has been calculated to be \$181,900.00 based WCR's estimate that the market value per acre is approximately \$12,500.00. The Line consists of 14.55 acres. Hence, the net liquidation value (“NLV”) of the Line is \$181,900.00.

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<sup>2</sup> *Wisconsin Central Ltd.—Abandonment—in Ozaukee, Sheboygan and Manitowoc Counties, WI*, STB Docket No. AB-303 (Sub-No. 27) (STB served October 18, 2004), at 10-11.

### **3. Calculation of 15 days working capital.**

Working capital for the computation of opportunity costs is calculated as 15 days of the costs of the Line. Therefore, MSV has used the maintenance costs (\$6,000), divided them by 365 and multiplied that amount by 15 to arrive at the 15 days of working capital of \$246.

### **4. Nominal cost of capital.**

The Board has accepted the nominal cost of capital for a Class III railroad of 15.58 percent.<sup>3</sup> Therefore, WCR has decided to use 15.58 percent as the nominal cost of capital in calculating the opportunity costs of the Line.

### **5. Income tax consequences.**

The book value of the Line is \$181,900.00. The NLV of \$181,900.00 less the book value yields no gain. Therefore, sale of the Line will have no tax consequences.

### **6. Holding gain.**

Because of the volatility of the market for scrap and reusable steel and the decline in the market for real estate, WCR estimates that there will be no holding gain or loss in the current economic environment. The Board has accepted such an analysis.<sup>4</sup>

### **7. Calculation of Opportunity Costs.**

The following Table shows the opportunity cost calculation.

Working Capital	\$ 246
NLV	\$181,900.00
Taxes	\$ 0
Holding Gain	\$ 0
Valuation	\$182,146.00

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<sup>3</sup> *Michigan Air-Line Railway Co.—Abandonment Exemption—in Oakland County, Mich.*, STB Docket No. AB-1053 (Sub-No. 2X) (STB served October 19, 2011), slip op. at 6.

<sup>4</sup> *San Joaquin Valley Railroad Company—Abandonment Exemption—in Tulare County, CA*, STB Docket No. AB-398 (Sub-No. 7X) (STB served June 6, 2008) at 4.

Nominal Rate of Return      15.58%  
Opportunity Cost              \$ 28,378.00

**C.      Alternate transportation.**

The major roads serving the area are U.S. Route 84 and Alabama Routes 51, 134, and 192, as well as local roads.

**D.      Summary.**

Continued ownership and operation of the Line by WCR will continue to be a burden on WCR and interstate commerce. WCR will incur annual maintenance costs of \$6,000, and opportunity costs of \$28,378.00. WCR will be able to sell the real estate for interim trail use/rail banking for about \$181,900.00. There are no shippers on the Line and there have been none since 1987. Since it acquired the Line, WCR has not been able to generate any traffic or any interest in potential shippers using the Line.

WCR contends that in balancing the harm to itself and interstate commerce against the harm to shippers and local interests, the balance clearly favors abandonment.

**ARGUMENT SUPPORTING THE ABANDONMENT**

WCR seeks an exemption under 49 U.S.C. § 10502 from the applicable requirements of 49 U.S.C. § 10903 in order to abandon the Line.

Under 49 U.S.C. § 10502, the Board must exempt a transaction from regulation when it finds that:

(1) regulation is not necessary to carry out the rail transportation policy of 49 U.S.C. § 10101; and

(2) either:

(a) the transaction is of limited scope, or

(b) regulation is not necessary to protect shippers from the abuse of market power.

The legislative history of Section 10502 reveals a clear Congressional intent that the Board should liberally use its exemption authority to free certain transactions from the administrative and financial costs associated with continued regulation. In enacting the Staggers Rail Act of 1980, Pub. L. No. 96-488, 94 Stat. 1895, Congress encouraged the Board's predecessor agency to liberally use the expanded exemption authority under former Section 10505:

The policy underlying this provision is that while Congress has been able to identify broad areas of commerce where reduced regulation is clearly warranted, the Commission is more capable through the administrative process of examining specific regulatory provisions and practices not yet addressed by Congress to determine where they can be deregulated consistent with the policies of Congress. The conferees expect that, consistent with the policies of this Act, the Commission will pursue partial and complete exemption from remaining regulation.

H.R. Rep No. 1430, 96 the Cong. 2d Sess. 105 (1980). See also *Exemption From Regulation--Boxcar Traffic*, 367 I.C.C. 424, 428 (1983), vacated and remanded on other grounds, *Brae Corp. v. United States*, 740 F.2d 1023 (D.C. Cir 1984). Congress reaffirmed this policy in the conference report accompanying the ICC Termination Act of 1995, Pub. L. No. 104-88, 109 Stat. 803, which re-enacted the rail exemption provision as Section 10502. H.R. Rep. No. 422, 104th Cong., 1st Sess. 168-69 (1995).

**A. The Application of 49 U.S.C. § 10903 Is Not Necessary to Carry Out the Rail Transportation Policy**

Detailed scrutiny of this transaction is not necessary to carry out the rail transportation policy. An exemption would minimize the unnecessary expense associated with the preparation and filing of a formal abandonment application, expedite regulatory decisions and reduce regulatory barriers to exit. 49 U.S.C. § 10101 (2) and (7). There are no shippers on the Line and there has not been any interest in shipping over the Line since it was acquired by WCR.



Abandonment will allow WCR to avoid costs associated with maintaining the Line. Granting this exemption, therefore, fosters sound economic conditions and encourages efficient management by permitting the rationalization of an unnecessary rail line. 49 U.S.C. § 10101 (3), (5) and (9). Other aspects of the rail transportation policy are not adversely affected. For example, competition and the continuation of a sound rail transportation system are not affected since the public will not be deprived of any needed rail services.

**B. This Transaction Is Of Limited Scope**

The proposed transaction is of limited scope. WCR seeks to abandon a 1.2-mile line in one county in Alabama.

**C. This Transaction Will Not Result In An Abuse Of Market Power.**

WCR is abandoning the Line. There is no traffic shipped over the Line and there are alternative transportation services available.

**COMBINED ENVIRONMENTAL AND HISTORIC REPORT**

A Combined Environmental and Historic Report is in Exhibit B.

**FEDERAL REGISTER NOTICE**

A draft Federal Register notice is attached hereto as Exhibit C.

**LABOR PROTECTION**

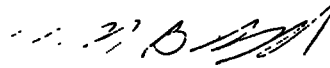
The interests of railroad employees of WCR who may be adversely affected by the proposed abandonment will be adequately protected by the labor protective conditions in *Oregon Short Line R. Co.--Abandonment--Goshen*, 360 I.C.C. 91 (1979).

## CONCLUSION

Application of the regulatory requirements and procedures of 49 U.S.C. § 10903 to the abandonment of the Line proposed by WCR is not required to carry out the rail transportation policy set forth in 49 U.S.C. § 10101, as previously shown. Nor is Board regulation required to protect shippers, who have not used the Line for over 20 years. from the abuse of market power. Moreover, this abandonment is of limited scope.

Accordingly, WCR respectfully requests the Board to grant an exemption for the proposed abandonment of the Line.

Respectfully Submitted.



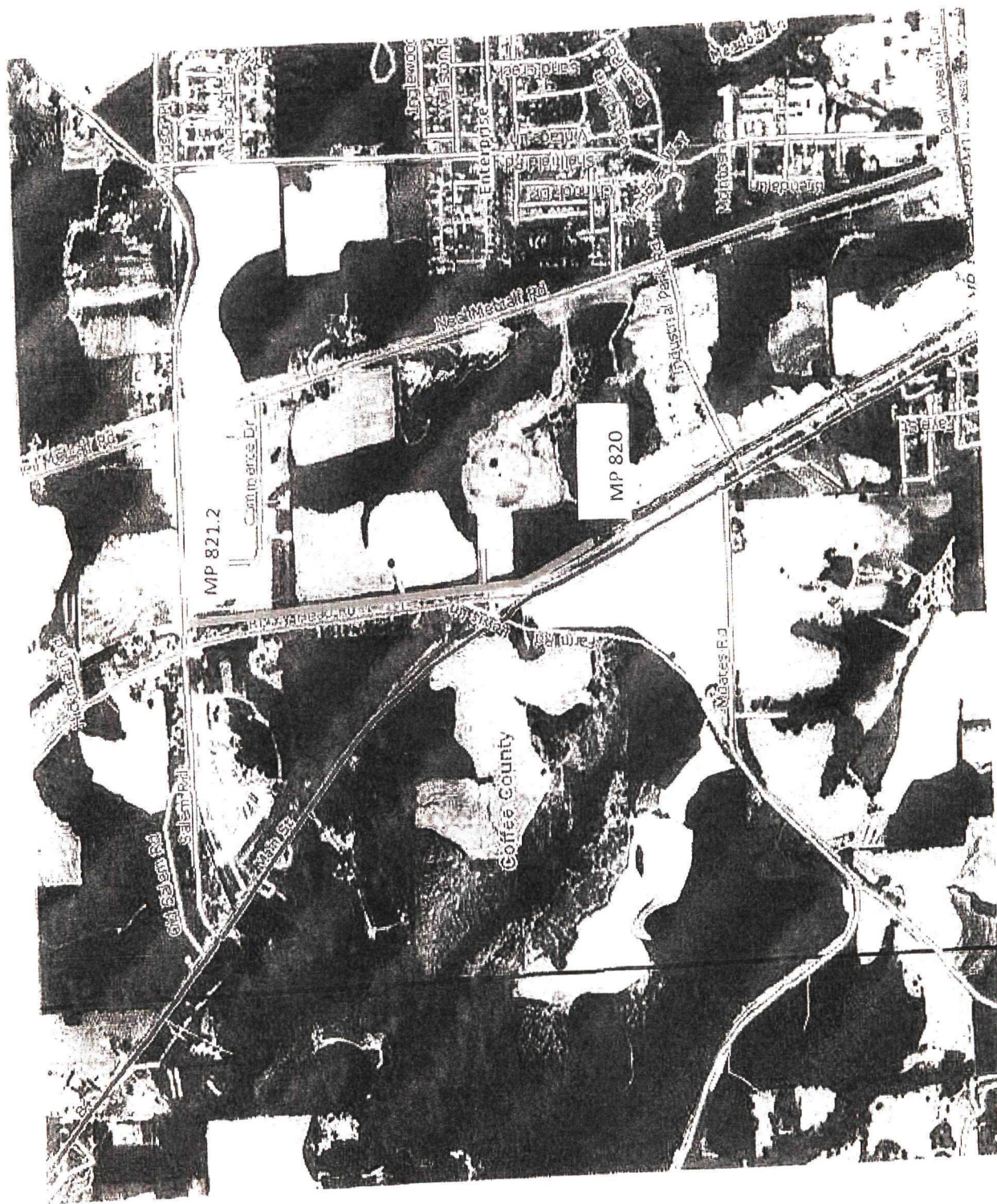
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Attorneys for: Wiregrass Central  
Railway, LLC

Dated: November 9, 2011

## **EXHIBIT A–MAP**



# **EXHIBIT B—COMBINED ENVIRONMENTAL AND HISTORIC REPORT**

**COMBINED ENVIRONMENTAL AND HISTORIC REPORT**  
(49 C.F.R. 1105.7 and 1105.8)

Docket No. AB-1077X

**WIREGRASS CENTRAL RAILWAY, LLC—ABANDONMENT EXEMPTION—  
IN COFFEE COUNTY, AL**

Dated: October 20, 2011

**ENVIRONMENTAL REPORT**

(1) Proposed Action and Alternatives. Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

Wiregrass Central Railway, LLC (“WCR”) proposes to abandon a 1.2-mile railroad line between milepost 820 and milepost 821.2 near Enterprise, in Coffee County, Alabama (the “Line”).

At the time WCR acquired the Line from the Wiregrass Central Railroad Co., Inc. (“WCRR”) all of the track and material had been removed from the Line.<sup>1</sup> WCR’s records do not indicate when the track and material were removed. Therefore, abandonment of the Line will not result in any additional salvage on the Line. There is one public and no private crossings on the Line.

There has been no local or overhead traffic on the Line since 1987.

The only alternative to a full abandonment would be for WCR not to abandon the Line. With little, if any, potential traffic, WCR has decided to seek abandonment of the Line.

A map of the proposed abandonment is attached hereto as Exhibit 1.

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<sup>1</sup> *Wiregrass Central Railway, LLC—Acquisition and Operation Exemption—Wiregrass Central Railroad Company, Inc.*, STB Finance Docket No. 35489, (STB served April 22, 2011).

(2) Transportation System. Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

There is no passenger traffic on the Line to be diverted to other modes as a result of the proposed abandonment. There is no freight traffic on the Line to be diverted to motor carrier. Accordingly, the proposed abandonment should have no adverse effects on regional or local transportation systems and patterns.

(3) Land Use. (i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies. (ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land. (iii) If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by 1105.9. (iv) If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. § 10905 and explain why.

(i) WCR considers the proposed abandonment to be consistent with existing land use plans. The area surrounding the Line is both urban and rural in nature.

WCR contacted the City of Enterprise and the County of Coffee, AL, by letter dated October 20, 2011. See Exhibit 2. No response has been received as of this date. A copy of this Environmental Report has been mailed to the appropriate local and state agencies for their information and further comment.

(ii) WCR does not believe that there is any prime agricultural land that will be affected. WCR notified the United States Department of Agriculture ("USDA") Natural Resources Conservation Service (the agency succeeding to the responsibilities of the Soil Conservation Service) of the proposed abandonment by letter dated October 20, 2011, and requested assistance in identifying any potential effects on prime agricultural land. See Exhibit 2. A copy of this report has been supplied to the USDA for its information and further comment.

(iii) The Line does not pass through a designated coastal zone.

(iv) WCR believes the Line would be suitable for interim trail use/rail banking.

(4) Energy. (i) Describe the effect of the proposed action on transportation of energy resources. (ii) Describe the effect of the proposed action on recyclable commodities. (iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why. (iv) If the proposed action will cause diversions from rail to motor carriage of more than: (A) 1,000 rail carloads a year; or (B) an average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given.

(i) The proposed abandonment will have no effect on the transportation of energy resources.

(ii) The proposed abandonment will have no effect on the transportation of recyclable commodities.

(iii) The proposed abandonment will have minimal effect on overall energy efficiency since there has been no traffic on the Line.

(iv) The proposed abandonment will not cause the diversion of more than 1,000 rail carloads a year; or an average of 50 rail carloads per mile per year for any part of the line segments of rail traffic to motor carriage.

(5) Air. (i) If the proposed action will result in either: (A) An increase in rail traffic of at least 100 percent (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or (B) an increase in rail yard activity of at least 100 percent (measured by carload activity), or (C) an average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions. For a proposal under 49 U.S.C. § 10901 (or § 10505) to construct a new line or reinstitute service over a previously abandoned line, only the eight train a day provision in sub-section (5)(i)(A) will apply. (ii) If the proposed action affects a class I or nonattainment area under the Clean Air Act, and will result in either: (A) an increase in rail traffic of at least 50 percent (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line; (B) an increase in rail yard activity of at least 20 percent (measured by carload activity); or (C) an average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan. However, for a rail construction under 49 U.S.C. § 10901 (or 49 U.S.C. § 10505), or a case involving the reinstitution of service over a previously abandoned line, only the three train a day threshold in this item shall apply. (iii) If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated, identify: the



materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

(i) The proposed abandonment will not result in meeting or exceeding the specified thresholds.

(ii) The proposed abandonment will not result in meeting or exceeding the specified thresholds.

(iii) The proposed abandonment will not affect the transportation of ozone depleting materials.

(6) Noise. If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause: (i) an incremental increase in noise levels of three decibels Ldn or more; or (ii) an increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area, and quantify the noise increase for these receptors if the thresholds are surpassed.

Not applicable.

(7) Safety. (i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings). (ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials. (iii) If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

(i) The proposed abandonment will have no detrimental effects on public health and safety. WCR has never operated over the Line and WCRR, the previous owner, had not operated over the Line in more than two years.

(ii) The proposed abandonment will not affect the transportation of hazardous materials.

(iii) WCR is not aware of any known hazardous waste sites or sites where there have been known hazardous materials spills on the Line.

(8) Biological Resources. (i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects. (ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

(i) WCR does not believe that the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat. WCR notified the U.S. Fish and Wildlife Service ("USF&W") of the proposed abandonment by letter dated October 20, 2011, and requested assistance in determining whether the proposed abandonment will adversely affect endangered or threatened species or areas designated as a critical habitat. *See Exhibit 2*. A copy of this Report was supplied to the USF&W for its information and further comment.

(ii) WCR is unaware of any wildlife sanctuaries or refuges, National or State parks or forests that would be adversely affected by the proposed abandonment.

WCR notified the National Parks Service of the proposed abandonment by letter dated October 20, 2011, and requested assistance in identifying any potential effects on wildlife sanctuaries or refuges, National or State parks or forests. *See Exhibit 2*. To date, no response to this request has been received. A copy of this Report has been supplied to the National Park Service for its information and comment.

(9) Water. (i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies. (ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under section 404 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects. (iii) State whether permits under section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action.

(i) WCR is confident that the proposed abandonment will be consistent with applicable water quality standards. WCR contacted the Alabama Department of Environmental Management (“ADEM”) and the United States Environmental Protection Agency (“USEPA”) by letters dated October 20, 2011. *See Exhibit 2.* To date, no response to this request has been received. A copy of this Report has been supplied to the ADEM and USEPA for their information and comment.

(ii) WCR believes that no permits under section 404 of the Clean Water Act are required for the proposed abandonment and that no designated wetlands or 100-year flood plains will be affected by the proposed abandonment. The track and materials were removed from the Line by the previous owner. WCR does not believe that there is anything left to salvage from the Line and does not contemplate having to perform salvage. Since WCR does not contemplate salvaging the Line, WCR does not believe a permit under Section 404 of the Clean Water Act will be required.

WCR contacted the U.S. Army Corps of Engineers by letter dated October 20, 2011 and has received no response to date. *See Exhibit 2.* A copy of this Report has been supplied to the U.S. Army Corps of Engineers for its information and comment.

(iii) WCR believes that no permit under section 402 of the Clean Water Act would be required for the abandonment. WCR contacted the ADEM and the USEPA by letter dated October 20, 2011. *See Exhibit 2.* A copy of this Report has been supplied to the ADEM and USEPA for their information and further comment.

(10) Proposed Mitigation. Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

WCR does not expect any adverse environmental impact from the proposed abandonment and, therefore, sees no need for any mitigating actions. WCR will, of course, adhere to any remedial actions required by the Board.

## HISTORIC REPORT

1. A U.S.G.S. topographic map (or alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of railroad structures that are 50 years old or older and are part of the proposed action:

U.S. Geological Survey Maps have been supplied to the Alabama Historical Commission.

*See Exhibit 3.*

2. A written description of the right of way (including approximate widths, to the extent known), and the topography and urban and/or rural characteristics of the surrounding area:

The 1.2-mile right-of-way is approximately 100 feet wide and consists of 14.545 acres of land. The Line begins at milepost 820 and travels northwest parallel to Main Street. It then turns north and runs parallel to Rocky Heap Road ending at milepost 821.2. There is no track on the Line from approximately 100 feet before milepost 820 to the end of the Line.

3. Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediately surrounding area:

There are no bridges or structures on the property that are 50 years old or older.

4. The date(s) of construction of the structure(s), and the date(s) and extent of any major alterations, to the extent such information is known;

Not applicable.

5. A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action:

In 1897 construction began on a rail line in Waterford, AL from the Savannah, Florida and Western Railway main line. The line was built by Alabama Midland Railroad and completed in 1898. Through consolidation, CSX Transportation Inc. ("CSXT") acquired the line. WCRR acquired the rail line from CSXT and began operating on the former CSXT branch in 1987. WCR acquired approximately 21.2 miles of railroad line between Waterford and Enterprise, AL, of which the Line is a part, from WCRR in April 2011. *Wiregrass Central Railway, LLC*—

*Acquisition and Operation Exemption -- Wiregrass Central Railroad Company, Inc., STB*

Finance Docket No. 35489, (STB served April 22, 2011).

6. A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is found to be historic;

WCR possesses valuation maps and track charts of the Line, but is not aware of any other documentation in its possession.

7. An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 C.F.R. 60.4), and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities);

WCR believes that there are no archeological resources or other railroad related historic properties in the project area.

8. A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect the archeological recovery of resources (such as swampy conditions or the presence of toxic waste), and the surrounding terrain.

Based on a review of its records, WCR believes that there are no known subsurface ground disturbances or fill, or environmental conditions that might affect the archeological recovery of any potential resources.

9. Within 30 days of receipt of the historic report, the State Historic Preservation Officer may request the following additional information regarding specific non railroad owned properties or groups of properties immediately adjacent to the railroad right-of-way: photographs of specified properties that can be readily seen from the railroad right-of-way (or other public rights-of-way adjacent to the property) and a written description of any previously discovered archeological sites, identifying the location and type of the site (*i.e.* prehistoric or native American).

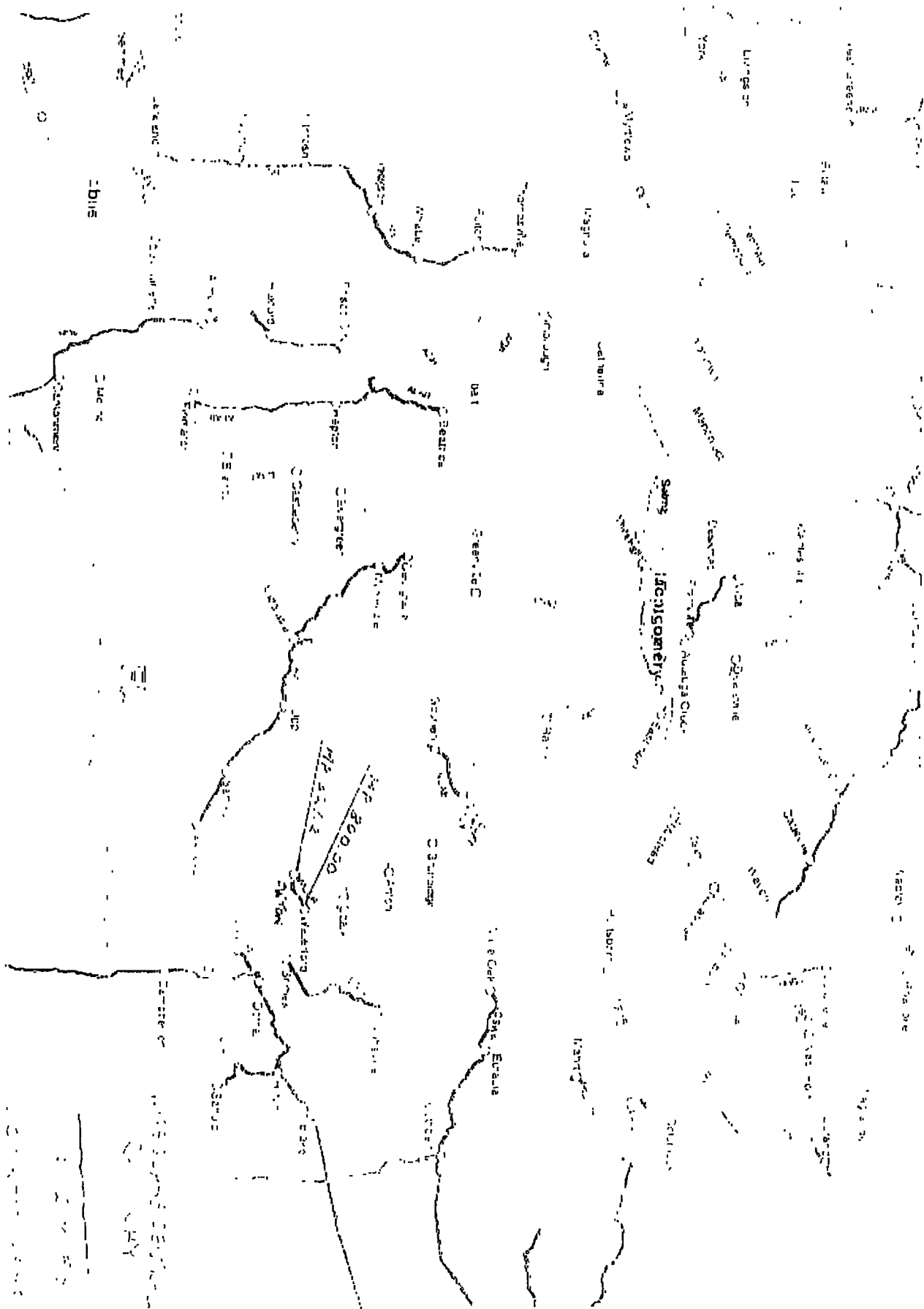
WCR does not foresee the likelihood that any additional information will need to be supplied in association with the proposed abandonment other than that information previously submitted. But, if any additional information is requested, WCR will promptly supply the necessary information.

WCR contacted the Alabama Historic Commission ("ALHC"). *See* Exhibit 2. No response has been received. A copy of this Report has been mailed to ALHC.

## EXHIBIT 1 – MAP







## EXHIBIT 2 – LETTERS

LAW OFFICES OF  
LOUIS E. GITOMER, LLC

LOUIS E. GITOMER  
Louis@lgtraillaw.com

MELANIE B. YASBIN  
Melanie@lgtraillaw.com  
410-296-2255

October 20, 2011

600 BALTIMORE AVENUE, SUITE 301  
TOWSON, MARYLAND 21204  
(410) 296-2255 • (202) 466-6532  
FAX (410) 212-0885

Alabama Historic Preservation Office  
Alabama Historic Commission  
468 South Perry Street  
Montgomery, AL 36130-0900

RE: Docket No. AB-1077X *Wiregrass Central Railway LLC - Petition for  
Exemption - in Coffee County, AL.*

Dear Madam/Sir:

On or about November 9, 2011 we expect to be filing with the Surface Transportation Board ("STB") a petition for exemption seeking authority for the Wiregrass Central Railway, LLC to abandon a approximately one mile rail line between milepost 820 and milepost 821.2, near Enterprise, in Coffee County, AL (the "Line")

Attached is a Combined Environmental and Historic Report describing the proposed action and any expected environmental effects, as well as a map of the affected area. We are providing this report so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB's environmental review process, please contact the Office of Environmental Analysis (OEA), Surface Transportation Board, 395 E Street, SW, Washington, DC 20423, telephone 202-245-0295 and refer to the above Docket No. AB-1077X.

Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to OEA (with a copy to our representative) would be appreciated within 3 weeks. Your comments will be considered by the STB in evaluating the environmental impacts of the contemplated action. If there are any questions concerning this proposal, please contact our representative directly. Our representative in this matter is Melanie B. Yasbin who may be contacted by telephone at 410-296-2250, email at Melanie@lgtraillaw.com, or mail at Law Offices of Louis E. Gitomer, 600 Baltimore Avenue, Suite 301, Towson, MD 21204.

Sincerely yours,

Melanie B. Yasbin  
Attorney for Wiregrass Central Railway, LLC

Enclosure

LAW OFFICES OF  
LOUIS E. GITOMER, LLC.

LOUIS E. GITOMER  
Lou@lgraillaw.com

MELANIE B. YASHIN  
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October 20, 2011

600 BALTIMORE AVENUE, SUITE 301  
TOWSON, MARYLAND 21204-3022  
(410) 296-2250 • (202) 465-6532  
FAX: (410) 332-0885

U. S. Army Corp of Engineers  
Mobile District  
P O Box 2288  
Mobile, AL 36628-0001

RE: Docket No. AB-1077X, *Wiregrass Central Railway LLC Petition for  
Exemption in Coffee County, AL.*

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Sincerely yours

Melanie B. Yashin  
Attorney for Wiregrass Central Railway, LLC

Enclosure

LAW OFFICES OF  
LOUIS E. GITOMER, LLC.

LOUIS E. GITOMER  
Lg@lgraillaw.com

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October 20, 2011

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TOWSON, MARYLAND 21204-4022  
410-296-2250 • (202) 466-6532  
FAX (410) 332-0885

Natural Resources Conservation Service USDA  
P.O. Box 511  
3381 Skyway Drive  
Auburn, AL 36830

RE: Docket No. AB-1077X, *Wiregrass Central Railway, LLC – Petition for  
Exemption in Coffee County, AL*

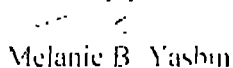
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Sincerely yours,

  
Melanie B. Yasbin

Attorney for Wiregrass Central Railway, LLC

Enclosure

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LOUIS E. GITOMER  
Louis@lgraillaw.com

MELANIE B. YASHIN  
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October 20, 2011

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FAX (410) 332-0885

LPA  
Region 4  
Sam Nunn Atlanta Federal Center  
61 Forsyth Street, SW  
Atlanta, GA 30303-3104

RE Docket No. AB-1077X, *Wiregrass Central Railway, LLC—Petition for  
Exemption— in Coffee County, AL.*

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Sincerely yours,

Melanie B. Yashin  
Attorney for Wiregrass Central Railway, LLC

Enclosure

LAW OFFICES OF  
LOUIS E. GITOMER, LLC.

LOUIS E. GITOMER  
Lou@lgraillaw.com

MELANIE B. YASHIN  
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October 20, 2011

600 BALTIMORE AVENUE, SUITE 301  
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PHONE 410-296-2250 FAX 410-666-6533  
FAX 410-352-0885

Alabama Environmental Protection Agency  
Alabama Department of Environmental Management  
1400 Coliseum Boulevard  
Montgomery, AL 36110

RE: Docket No. AB-1077X, *Wiregrass Central Railway, LLC - Petition for  
Exemption - in Coffee County, AL*

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Sincerely yours,

Melanie B. Yashin  
Attorney for Wiregrass Central Railway, LLC

1 enclosure



LAW OFFICES OF  
LOUIS E. GITOMER, LLC

LOUIS E. GITOMER  
Louis@lgraillaw.com

MELANIE B. YASBIN  
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October 20, 2011

600 BALTIMORE AVENUE, SUITE 301  
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FAX 410-332-0885

U.S. Fish and Wildlife Service,  
Region 4  
Century Center  
1875 Century Boulevard  
Atlanta, GA 30345

RE: Docket No. AB-1077X, *Wiregrass Central Railway, LLC - Petition for  
Exemption - in Coffee County, AL*

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Attorney for Wiregrass Central Railway, LLC

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Lou@lgraillaw.com

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October 20, 2011

600 BALTIMORE AVENUE, SUITE 301  
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410-296-2205 • 410-214-6665  
FAX 410-342-0885

Alabama State Clearinghouse,  
Alabama Highway Department  
1409 Coliseum Boulevard,  
Montgomery, AL 36130

RE: Docket No. AB-1077X, *Wiregrass Central Railway, LLC - Petition for  
Exemption—in Coffee County, AL*

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Gitomer, 600 Baltimore Avenue, Suite 301, Towson, MD 21204.

Sincerely yours,

Melanie B. Yasbin  
Attorney for Wiregrass Central Railway, LLC

Enclosure

LAW OFFICES OF  
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LOUIS E. GITOMER  
lou@lgraillaw.com

600 BALTIMORE AVENUE, SUITE 301  
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FAX (410) 332-0888

MELANIE B. YASHIN  
Melanie@lgraillaw.com  
410-296-2255

October 20, 2011

Alabama Coastal Zone Management  
Alabama Department of Conservation and Natural Resources  
Lands Division, Coastal Section  
Stonebrook Executive Complex  
23210 US HWY 98, Suite B-1  
Fairhope, AL 36532

RE: Docket No. AB-1077X, *Wiregrass Central Railway, LLC - Petition for  
Exemption- in Coffee County - AL.*

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Sincerely yours,

Melanie B. Yashin  
Attorney for Wiregrass Central Railway, LLC

Enclosure

LAW OFFICES OF  
LOUIS E. GITOMER, L.L.C.

LOUIS E. GITOMER  
Louis@lgaillaw.com

MELANIE B. YASBIN  
Melanie@lgaillaw.com  
410-296-2225

October 20, 2011

600 BALTIMORE AVENUE, SUITE 301  
TOWSON, MARYLAND 21204-1027  
410-296-2225 • 202-366-6522  
FAX 410-332-0885

Ms. Kathryn B. Lolley  
County Administrator  
Coffee County  
2 County Complex  
New Brockton, AL 36351

RE: Docket No. AB-1077X, *Wiregrass Central Railway, LLC - Petition for  
Exemption - in Coffee County, AL*

Dear Ms. Lolley:

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Sincerely yours,

Melanie B. Yasbin  
Attorney for Wiregrass Central Railway, LLC

Enclosure

LAW OFFICES OF  
LOUIS E. GITOMER, LLC.

LOUIS E. GITOMER  
Lou@lgraillaw.com

MELANIE B. YASHIN  
Melanie@lgraillaw.com  
410-296-2225

October 20, 2011

600 BALTIMORE AVENUE, SUITE 301  
TOWSON, MARYLAND 21204-3071  
410-796-7750 • (202) 466-6832  
FAX (410) 331-0885

Mayor Kenneth W. Boswell  
Enterprise City Hall  
Mayor's Office  
P.O. Box 311000-1000  
Enterprise, AL 36330

RE: Docket No. AB-1077X, *Wiregrass Central Railway, LLC - Petition for  
Exemption - in Coffee County, AL.*


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Melanie B. Yashin  
Attorney for Wiregrass Central Railway, LLC

Enclosure

LAW OFFICES OF  
LOUIS E. GITOMER, LLC.

LOUIS E. GITOMER  
Leou@lgraillaw.com

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TOWSON, MARYLAND 21204-1021  
410-296-2225 • 202-466-6537  
FAX to 410-330-8855

October 20, 2011

U.S. National Geodetic Survey  
National Oceanic and Atmospheric Administration, Geodetic Services Division  
Room 9292, NGS/12  
1315 East-West Highway  
Silver Spring, MD 20910

RE: Docket No. AB-1077X, *Wiregrass Central Railway, LLC - Petition for  
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Sincerely yours,

Melanie B. Yasbin  
Attorney for Wiregrass Central Railway, LLC

LAW OFFICES OF  
**LOUIS E. GITOMER, LLC.**

LOUIS E. GITOMER  
Lou@lgraillaw.com

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410-296-2255

600 BALTIMORE AVENUE SUITE 301  
TOWSON, MARYLAND 21204-3622  
(410) 296-2250 • (202) 466-6532  
FAX (410) 332-0885

October 20, 2011

U.S. National Park Service  
Southeast Region  
100 Alabama Street, SW  
Atlanta, GA 30303

RE: Docket No. AB-1077x, *Wiregrass Central Railway, LLC –Petition for  
Exemption –in Coffee County, AL.*

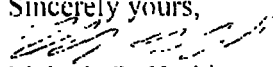
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Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to OEA (with a copy to our representative) would be appreciated within 3 weeks. Your comments will be considered by the STB in evaluating the environmental impacts of the contemplated action. If there are any questions concerning this proposal, please contact our representative directly. Our representative in this matter is Melanie B. Yasbin who may be contacted by telephone at 410-296-2250, email at Melanie@lgraillaw.com, or mail at Law Offices of Louis E. Gitomer, 600 Baltimore Avenue, Suite 301, Towson, MD 21204.

Sincerely yours,



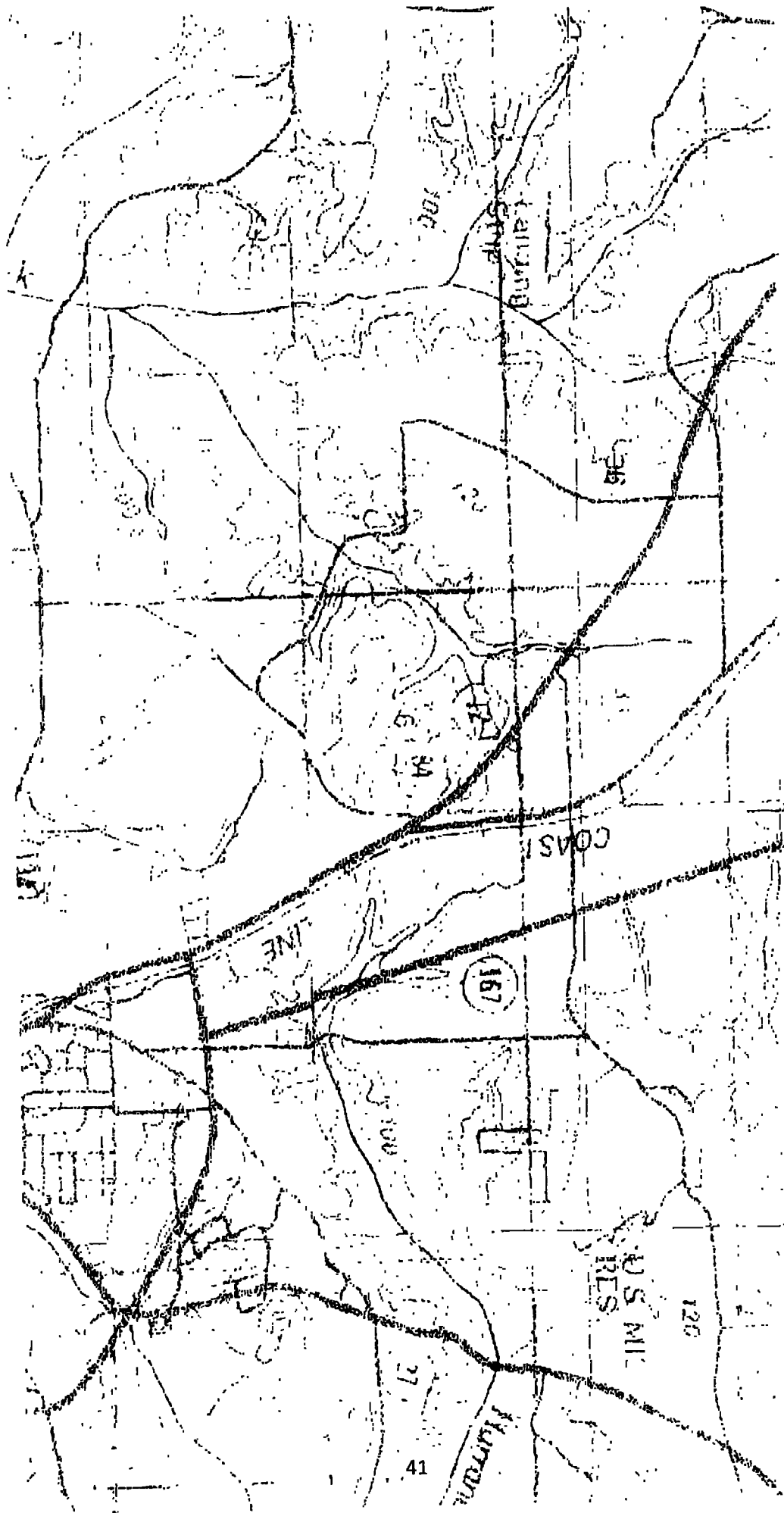
Melanie B. Yasbin

Attorney for Wiregrass Central Railway, LLC

Enclosure

## EXHIBIT 3 – USGS MAP





## **CERTIFICATE OF SERVICE OF COMBINED ENVIRONMENTAL AND HISTORIC REPORT**

Pursuant to the requirements of 49 C.F.R. §1105.7(c), .8(c), and .11 the undersigned hereby certifies that a copy of the Combined Environmental and Historic Report in Docket No. AB-1077X was mailed via first class mail on October 20, 2011, to the following parties:

Alabama Department of Conservation and Natural Resources,  
Lands Division, Coastal Section  
Stonebrook Executive Complex  
23210 US HWY 98, Suite B-1  
Fairhope, AL 36532

Alabama Historic Commission  
468 South Perry Street  
Montgomery, AL 36130-0900,

Alabama Department of Environmental Management  
1400 Coliseum Boulevard  
Montgomery, AL 36110

Alabama Highway Department  
1409 Coliseum Boulevard,  
Montgomery, AL 36130

Mobile District Headquarters  
U.S. Army Engineer District, Mobile  
P.O. Box 2288  
Mobile, AL 36628-0001

Natural Resources Conservation Service  
USDA  
P.O. Box 311  
3381 Skyway Drive  
Auburn, AL 36830

U.S. Environmental Protection Agency, Region 4  
Sam Nunn Atlanta Federal Center  
61 Forsyth Street, SW  
Atlanta, GA 30303-3104

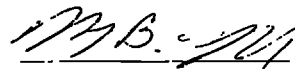
U.S. Fish and Wildlife Service, Region 4  
Century Center  
1875 Century Boulevard,  
Atlanta, GA 30345

National Oceanic and Atmospheric Administration  
National Geodetic Survey  
1315 East-West Highway  
Silver Spring, MD 20910-3282

U.S. National Park Service  
Southeast Region  
100 Alabama Street, SW  
Atlanta, GA 30303

Mayor Kenneth W. Boswell  
Enterprise City Hall  
Mayor's Office  
P.O. Box 311000-1000  
Enterprise, AL 36330

Ms. Kathryn B. Lolley  
County Administrator  
Coffee County  
2 County Complex  
New Brockton, AL 36351

  
Melanie B. Yasbin  
November 9, 2011

## **EXHIBIT C—FEDERAL REGISTER NOTICE**

WIREGRASS CENTRAL RAILWAY, LLC  
–ABANDONMENT EXEMPTION–  
IN COFFEE COUNTY, AL.

Notice of Petition for Exemption to Abandonment

On November 9, 2011 Wiregrass Central Railway, LLC (“WCR”) filed with the Surface Transportation Board, Washington, D.C. 20423, a petition for exemption for the abandonment of a 1.2-mile rail line between milepost 820.0 and milepost 821.2 in Enterprise, AL., all of which traverses through United States Postal Service ZIP Code 36330 (the “Line”). There are no stations on the Line.

The Line does not contain federally granted rights-of-way. Any documentation in the railroad’s possession will be made available promptly to those requesting it.

The interest of railroad employees of WCR will be protected by *Oregon Short Line R. Co. Abandonment—Goshen*, 360 I.C.C. 91 (1979).

By issuance of this notice, the Board is instituting an exemption proceeding pursuant to 49 U.S.C. 10502(b). A final decision will be issued by February 27, 2012.

Any offer of financial assistance (OFA) under 49 CFR 1152.27(b)(2) will be due no later than 10 days after service of a decision granting the petition for exemption. Each OFA must be accompanied by the filing fee, which is currently set at \$1,500. *See* 49 CFR 1002.2(f)(25).

All interested persons should be aware that following abandonment of rail service and salvage of the line, the line may be suitable for other public use, including interim trail use.

Any request for a public use condition and any request for trail use/rail banking will be due no later than 20 days after notice of the filing of the petition for exemption is published in the Federal Register.

All filings in response to this notice must refer to STB Docket No. AB-1077X and must be sent to: (1) Surface Transportation Board, 395 E Street, S.W., Washington, DC 20423-0001; and (2) Melanie B. Yasbin, 600 Baltimore Avenue, Suite 301, Towson, MD 21204.

Persons seeking further information concerning discontinuance procedures may contact the Board's Office of Congressional and Public Services at (202) 245-0230 or refer to the full abandonment and discontinuance regulations at 49 CFR Part 1152. Questions concerning environmental issues may be directed to the Board's Office of Environmental Analysis (OEA) at (202) 245-0305. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-800-877-8339.]

Board decisions and notices are available on our website at "WWW.STB.DOT.GOV."

Decided: \_\_\_\_\_. 2011.

By the Board.

## **EXHIBIT D—NEWSPAPER CERTIFICATION**

### **CERTIFICATE OF PUBLICATION**

The undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB-1077X was advertised on October 28, 2011 in the Enterprise Ledger, a newspaper of general circulation in Coffee County, AL as required by 49 C.F.R. § 1105.12.



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Melanie B. Yashin  
November 9, 2011





**2221567**

**October 28, 2011**

Date	Category	Description	Ad Size	Total Cost
10/28/2011	Legal Notices	L196727 Wiregrass Central Railway, LLC (	1 x 50 L	174 50

Appropriate shows of financial assistance to the second rail system can be held while the second program for environmental monitoring, public use conditions, or rail loan guarantees also can be held by the third Board. An original and two copies of any pleading, suit, or motion that the environmental law experts may wish to submit use, or file with the court, is to be filed with the Clerk, U.S. District Administrator, Office in Room 400, 1515 Street, W.W. Washington, DC 20013 (555-495-1818) (44) and (44) and, and one copy must be filed upon applicant's representation [see 28 CFR 104.12(c)]. Questions regarding this Board's financial assistance may be directed to the Board's Office of Congressional and Public Services at 222 4th St. 2nd Floor, 2nd floor, Atlantic or requests for conditions should be directed to the Board's representation [see 28 CFR 104.12(c)].

Michael B. Yablon, law office of Louis E. Coleman, Jr. 600 Baltimore Avenue, Suite 301, Towson, MD 21204, (410) 296-2705, email at [Michael@louisab.com](mailto:Michael@louisab.com).

**My Commission Expires  
August 4, 2014**

**THIS IS NOT A BILL. PLEASE PAY FROM INVOICE. THANK YOU**

THE UNIVERSITY OF CHICAGO  
LIBRARY

# **EXHIBIT E—CERTIFICATE OF SERVICE**

## **CERTIFICATE OF SERVICE**

Pursuant to 49 C.F.R. §1152.60(d), the undersigned hereby certifies that the Petition for Exemption in Docket No. AB-1077X, *Wiregrass Central Railway, LLC—Abandonment Exemption—in Coffee County, AL*, was mailed via first class mail, postage prepaid, on November 9, 2011, to the following parties:

### **State Public Service Commission**

Alabama Public Service Commission  
Railway Safety  
P.O. Box 304260  
Montgomery, AL 36130

### **Military Surface Deployment and Distribution Command Transportation Engineering Agency**

Headquarters  
Military Surface Deployment and Distribution Command  
Transportation Engineering Agency  
ATTN: SDTE-SA (Railroads for National Defense)  
1 Soldier Way, Building 1900W  
Scott AFB, IL 62225

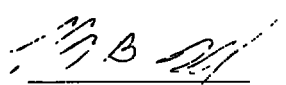
### **National Park Service**

U.S. Department of Interior  
National Park Service  
WASO-Land Resources Division  
301 South Howes, Suite 208  
Fort Collins, CO 80522-0740

Mr. Charlie Stockman  
Program Manager  
Rivers, Trails and Conservation Assistance Program National Park Service  
1849 C Street, N.W. (Org Code 2220)  
Washington, DC 20240

**U.S. Department of Agriculture**

U.S. Department of Agriculture  
Chief of the Forest Service  
1400 Independence Ave. SW  
Washington, DC 20250-0003

A handwritten signature in black ink, appearing to read 'MB Yashin', written over a horizontal line.

Melanie B. Yashin  
November 9, 2011

## **EXHIBIT F**

